

63-5398/a

26 July 1963
26 July 1963

garcia

MEMORANDUM FOR: The Honorable Robert F. Kennedy
The Attorney General

SUBJECT: Proposed Revision of NSC 5417

Reference is made to your letter of 26 June 1963 concerning
revisions of NSC 5417 proposed by Mr. Gilpatrick and requesting my
views. I would suggest a revision of Paragraph 1 as follows:

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I appreciate your courtesy in referring this proposal to me
for review.

OSD, OGC, DOJ
review(s) completed.

700 52 4 02 611.23

(Signed)

John A. McCONE

Director

Wilderich

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Attorney General

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63-5596

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15 JUL 1963

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: The Proposed Revision of
NSC 5427, "Restricting Diplomatic
and Official Representatives of the
Soviet Bloc Countries in the United
States in Connection with Strategic
Intelligence"

1. The Attorney General, by letter dated 24 May 1963, requested your views regarding a proposed revision of NSC 5427, particularly the first paragraph of the proposal: "Restrictions should be placed upon diplomatic and official representatives of Soviet bloc countries in the United States on the basis of strict reciprocity for restrictions placed upon U.S. representatives in each Soviet bloc country; as determined to be feasible by a group composed of representatives of the Departments of State, Defense, Justice and CIA."

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2. You indicated agreement with this paragraph in a reply to the Attorney General on 7 June 1963.

3. On 10 June, Mr. Gilpatric, in a personal letter to the Attorney General, made two new suggestions regarding the proposed revision of NSC 5427.

First, he proposed that paragraph one, as cited above, provide for the possibility of imposing restrictions on diplomatic and official Soviet bloc representatives in the United States not only on the basis of reciprocity but also "on the basis of requirements of national defense and internal security."

Secondly, Mr. Gilpatric suggested the addition of a paragraph which would designate the Department of Defense to receive and to approve the travel itineraries of Soviet bloc military personnel and other Soviet bloc persons who travel with them in the United States, in accordance with whatever restrictions are determined to be feasible by the inter-agency group set up to administer the policy.

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4. In my opinion, comment by you is required only on the Deputy Secretary's first suggestion.

5. As DCI, you are responsible for assuring the interests in intelligence collection, of all elements, overt and covert, of the U.S. intelligence community abroad. Mr. Gilpatric is rightly concerned with the risk that members of some Soviet bloc military installations will not be estopped from overt intelligence activity against military installations in the U.S. when the principle of strict reciprocity assures these representatives freedom to travel throughout the United States. But it must be recognized that the amendment which Mr. Gilpatric proposes would have direct implications for U.S. intelligence activity, including the activity of American military representatives, abroad. Any restrictive action by the inter-agency group on the basis of Mr. Gilpatric's proposal would certainly provoke retaliation against U.S. diplomatic or military personnel in the bloc nation concerned and would result therefore in the curtailment of U.S. collection activity in that country.

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6. It is our understanding that NSC 5427 has consistently required the imposition of restrictions on diplomatic and official representatives of Soviet bloc countries in the U.S. whenever such restrictions have been placed upon U.S. representatives in a Soviet bloc country, the principle of strict reciprocity was to operate automatically in guiding the reaction of U.S. authorities. This seems to us to be a sound principle. On the other hand, the Department of Defense may have valid need for authority in specific circumstances to invoke restrictions upon the movements of bloc diplomats and official representatives in the U.S. without reference to reciprocity and this action may be advantageous despite the consequent restrictions on U.S. representatives in the particular country abroad which would probably follow. The net advantage to the U.S. would have to be carefully analyzed in each instance. We suggest therefore that the opportunity to make a case before the inter-agency group which will administer the application of NSC 5427 be conceded, however, without dependence or connection with the principle of strict

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reciprocity which normally should guide determinations by the group.

7. It is therefore recommended that you suggest a rewording of paragraph one as follows:

"1. Restrictions shall be placed upon diplomatic and official representatives of Soviet bloc countries in the United States on the basis of strict reciprocity for restrictions placed on U.S. representatives in each Soviet bloc country; as determined to be feasible by a group composed of representatives of the Departments of State, Defense, Justice and CIA. In particular circumstances, the group may place restrictions upon diplomatic and official representatives of Soviet bloc countries in the U.S. on the basis of other requirements of national defense or internal security."


Richard Helms
Deputy Director (Plans)

cc: DDCI

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6003-5398



Office of the Attorney General
Washington, D. C.

June 28, 1963

Honorable John A. McCone
Director, Central Intelligence
Agency
Washington 25, D. C.

Re: Proposed Revision of NSC 5427

Dear Mr. McCone:

Subsequent to the receipt of your memorandum of June 7, 1963 captioned as above, comments were received from the Department of Defense concerning the proposed revision, a copy of which is attached.

I would appreciate receiving your views concerning the attached Department of Defense proposed revision of NSC 5427.

Sincerely,

Robert Kennedy
Attorney General

Enclosure

Attorney General
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THE SECRETARY OF DEFENSE
Washington

COPY

10 June 1963

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Dear Bob:

This is in reply to your letter of 24 May 1963 requesting Department of Defense views on a draft National Security Action Memorandum which has been developed to replace NSC 5427, subject, "Restricting Diplomatic and Official Representatives of the Soviet Bloc Countries in the United States in Connection with Strategic Intelligence."

My primary comment on the policy guidance set forth in the draft NSAM centers on the retention of the requirement that restrictions on travel of official Soviet bloc representatives in the United States are to be based solely on the factor of reciprocity. In my view, our experience last April with the trip of Hungarian military attache personnel over a route involving a large number of very sensitive strategic missile sites forcibly points up the need for additional criteria upon which to adjudge requirements for travel restrictions. Accordingly, I suggest that the first numbered paragraph of the proposed NSAM be expanded as follows:

"1. Restrictions shall be placed upon diplomatic and official representatives of Soviet bloc countries in the United States on the basis of ~~strict~~ reciprocity for restrictions placed upon U.S. representatives in each Soviet bloc country, or on the basis of requirements of national defense or internal security; as determined to be feasible by a group composed of representatives of the Departments of State, Defense, Justice and CIA."

I recognize that from a diplomatic viewpoint the principle of strict reciprocity, as it applies to travel restrictions, offers certain distinct advantages. Moreover, if the policy statement under consideration applied only to Soviet diplomats and officials, I would agree that our national security interests would be adequately safeguarded. The stringency of present Soviet security restrictions would, in strict reciprocity, entail the corresponding imposition of adequate safeguards on our part. Should Soviet restrictions be lifted, the increased opportunities for travel available to our representatives would more than balance the opportunities thus available to the Soviets.

When we extend consideration to include bloc countries other than the Soviet Union, however, we encounter a significantly different situation. Satellite representatives can and do operate in the United

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States as intelligence agents of the Soviet Union. The free travel access granted such representatives thus nullifies much of the security resulting from restrictions on Soviet travel. This is not to suggest that national defense or internal security factors necessarily outweigh the factor of reciprocity. I believe, however, that all of these factors should receive appropriate consideration and that categories of travel restriction or control should be established on a basis of the net contribution to our national interest.

It is true, of course, that virtually any individual from a Soviet bloc country, official or private, military or civilian, could be an espionage agent. I am advised, however, that at present the military attaches of Satellite countries and others assigned to the staffs of military attaches appear to have the prime assignment of obtaining information regarding such vital U.S. defense systems as our growing complex of strategic missile sites. I believe, therefore, that an early task of the group referenced in paragraph 1 should be a re-examination of our policies regarding travel by the Satellite military attaches and their staffs. Regardless of the specific restrictions that might result from such a review, I also believe that there is a need for closer cognizance by the Department of Defense over travel by Satellite military personnel than presently exists. Accordingly, I suggest that a new paragraph be added to the proposed NSAM after paragraph 3, as follows:

"4. The Department of Defense will utilize its present facilities in the Military Departments to receive and approve, in consonance with restrictions formulated by the group discussed in paragraph 1, travel itineraries from Soviet bloc military personnel and other Soviet bloc persons who travel with them in the United States."

Should we find that closer scrutiny and tighter controls of travel by Satellite military personnel will merely result in a shift of the burden of high priority military intelligence collection to other categories of Soviet bloc personnel, such additional restrictions as might be required presumably would be formulated by the group referenced in paragraph 1 of the NSAM, or at a higher level of the government, if necessary.

I am aware that in the proceedings of the Interdepartmental Committee on Internal Security the Department of Defense had previously indicated informal concurrence in a draft restatement of policy on this subject along lines essentially the same as those set forth in NSC 5427. Our most recent review of past practices, however, particularly in light of the April experience with the Hungarians, now compels me to recommend the adoption of broader criteria than strict reciprocity as the basis for restrictions on travel by official Soviet bloc representatives, and the development of improved means of monitoring and

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controlling, as necessary, movements within the United States by military personnel of the Satellite countries as well as those of the Soviet Union.

Sincerely,

signed
Roswell L. Gilpatric
Deputy Secretary of Defense

The Honorable Robert F. Kennedy

The Attorney General

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DDP 3-2793

ER 63-4337/a

7 JUN 1963

MEMORANDUM FOR: The Honorable Robert F. Kennedy
The Attorney General

SUBJECT : Proposed revision of NSC 5427

Reference is made to your letter of 24 May 1963, enclosing a proposed revision of NSC 5427 and requesting my views, particularly with respect to paragraph 1.

I am in accord with paragraph 1 of the proposal and am in general agreement with the objectives of the other provisions.

I appreciate your courtesy in referring this proposal to me for review.

(Signed) JOHN A. McCONE

JOHN A. McCONE
Director

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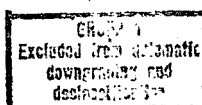
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Office of the Attorney General
Washington, D.C.

May 24 1963

DD/P 3-2712

Honorable John A. McCone
Director of Central Intelligence
Washington 25, D. C.

Dear Mr. McCone:

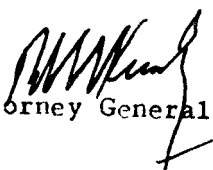
The Under Secretary of State for Administration forwarded to the Chairman of the Interdepartmental Committee on Internal Security (ICIS) a proposed draft National Security Action Memorandum which would rescind and supersede NSC 5427, "Restricting Diplomatic and Official Representatives of the Soviet Bloc Countries in the United States in Connection with Strategic Intelligence".

The provisions of the proposed draft were reviewed and revisions made and, in light of internal security considerations, the ICIS recommended the issuance of the revised draft NSAM attached.

You will note in Paragraph 1 of the attachment that the basis for restrictions placed on diplomatic and official representatives of Soviet bloc countries is strict reciprocity as determined to be feasible by a group composed of representatives of the Departments of State, Defense, Justice and CIA.

Prior to making a final recommendation to the President concerning the promulgation of the attached draft NSAM I would appreciate receiving any views you may have particularly as they may relate to Paragraph 1. Any questions you may have concerning the draft attached should be taken up with Mr. Doherty of this Department on Extension 2337.

Sincerely,


Attorney General

Attachment

GROUP 4
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declassified after 12 years

When the attachments are removed
this transmittal letter becomes

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DRAFT REVISED NSC 5427

April 11, 1963

RESTRICTING DIPLOMATIC AND OFFICIAL REPRESENTATIVES
OF SOVIET BLOC COUNTRIES IN THE UNITED STATES IN
CONNECTION WITH STRATEGIC INTELLIGENCE

1. Restrictions should be placed upon diplomatic and official representatives of Soviet bloc countries in the United States on the basis of strict reciprocity for restrictions placed upon U. S. representatives in each Soviet bloc country; as determined to be feasible by a group composed of representatives of the Departments of State, Defense, Justice, and CIA.
2. Soviet bloc countries should be required to have all their missions in the United States, and any separate establishments or offices thereof, plainly marked as such in order that individuals entering those missions, establishments or offices may be aware of their official nature; and that the Soviet bloc missions be officially advised that the failure of their personnel to reveal their affiliation with the mission, or international organization, in correspondence with United States citizens, companies and institutions, will henceforth be considered a violation of the accepted norms of diplomatic conduct.
3. The Department of Commerce will: (a) continue to provide a central point within the Executive Branch to provide assistance desired by US Government agencies and by US private individuals and concerns, with a view to obtaining from Sino-Soviet Bloc sources information of comparable value in exchange for the release, publication and export to the bloc of US non-classified technical and scientific information having potential strategic intelligence significance; and (b) report periodically to the Attorney General concerning the internal security aspects of the function performed by such central point.

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after 12 years

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4. The military agencies and the Atomic Energy Commission should circularize companies and facilities manufacturing or engaging in research for those agencies, advising of the practices of those Soviet bloc representatives in attempting to obtain unclassified technical and strategic intelligence, with the suggestion that Soviet bloc officials requesting such information from those companies be referred to the appropriate Government agency.

5. On the basis of reciprocity Soviet bloc representatives in the United States should be required to channel requests for unclassified Government documents through a central point. This recommendation is not intended to interfere with the normal course of business that these representatives have with the Department of State and our military agencies.

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